

Message Text

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TO SECSTATE WASHDC IMMEDIATE 2361

INFO AMEMBASSY PRETORIA IMMEDIATE

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AMEMBASSY LUSAKA IMMEDIATE

AMEMBASSY DAR ES SALAAM IMMEDIATE

AMEMBASSY MAPUTO IMMEDIATE

AMEMBASSY GABORONE IMMEDIATE

AMEMBASSY LAGOS IMMEDIATE

AMCONSUL CAPE TOWN IMMEDIATE

USMISSION USUN NEW YORK IMMEDIATE

C O N F I D E N T I A L SECTION 01 OF 03 LONDON 01287

EXDIS

CAPE TOWN FOR EMBASSY

E. O. 11652: XGDS-1

TAGS: PDEV RH UK

SUBJECT: RHODESIA: DRAFT DESCRIPTION OF TRANSITION
PERIOD (ANNEX A)

BEGIN TEXT:

"THE TRANSITIONAL PERIOD

1. THE FRAMEWORK FOR THE TRANSITIONAL ARRANGEMENTS
WILL REMAIN AS SET OUT IN ANNEX B OF CMND 6919. THE
PRESENT ANNEX EXPANDS ON CERTAIN ASPECTS OF THE
TRANSITIONAL ARRANGEMENTS ON WHICH DISCUSSION WITH THE
PARTIES HAS CONCENTRATED SINCE THE PUBLICATION OF
CMND 6919.

I THE RESIDENT COMMISSIONER

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2. AS ANNEX B TO CMND 6919 EXPLAINS, THE RESIDENT
COMMISSIONER, IN EXERCISING HIS EXECUTIVE AND
LEGISLATIVE FUNCTIONS, WILL BE SUBJECT TO ANY INSTRUCTIONS
WHICH HE MAY BE GIVEN BY THE UNITED KINGDOM
GOVERNMENT EXCEPT IN SO FAR AS THE CONSTITUTION
EXPRESSLY PROVIDES OTHERWISE. SUCH INSTRUCTIONS WILL
BE ISSUED AD HOC AND WILL NORMALLY BE ISSUED BY THE

SECRETARY OF STATE FOR FOREIGN AND COMMONWEALTH AFFAIRS WITHOUT SPECIAL FORMALITY. ON THE APPOINTMENT OF THE RESIDENT COMMISSIONER, HOWEVER, THE SECRETARY OF STATE WILL ADDRESS A FORMAL DESPATCH TO HIM CONTAINING INSTRUCTIONS AS TO THE GENERAL LINES OF POLICY WHICH SHOULD GOVERN THE CONDUCT OF HIS ADMINISTRATION AND AS TO THE PARTICULAR POLICIES WHICH HE IS TO PURSUE IN THE EXERCISE OF HIS POWERS IN CERTAIN FIELDS. THE DESPATCH WILL BE PUBLISHED AS A WHITE PAPER.

3. APART FROM STATING THE RESIDENT COMMISSIONER'S PRIMARY RESPONSIBILITY, NAMELY TO ADMINISTER THE GOVERNMENT OF SOUTHERN RHODESIA SO AS TO ENSURE A PEACEFUL AND ORDERLY TRANSITION TO INDEPENDENCE WITHIN SIX MONTHS OF THE TRANSFER OF POWER TO HIS ADMINISTRATION, THE DESPATCH WILL DEAL WITH SUCH TOPICS AS:-

(A) THE ESTABLISHMENT AND FUNCTIONING OF THE TRANSITIONAL COUNCIL (SEE PARAGRAPHS 4-8 BELOW);

(B) THE CREATION OF AN ATMOSPHERE IN WHICH PEACEFUL POLITICAL ACTIVITY, INCLUDING PRE-ELECTION CAMPAIGNING AND IN DUE COURSE THE HOLDING OF ELECTIONS, CAN TAKE PLACE FREELY AND WITHOUT INTIMIDATION;

(C) THE MAINTENANCE OF LAW AND ORDER;

(D) THE CREATION OF A ZIMBABWE NATIONAL ARMY;

(E) THE REMOVAL OF RACIAL DISCRIMINATION;

(F) THE ENDING OF THE STATE OF EMERGENCY AT THE
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EARLIEST PRACTICABLE MOMENT; AND

(G) THE REMOVAL OF PROVISIONS IN EXISTING LEGISLATION WHICH ARE UNACCEPTABLE IN A FREE AND DEMOCRATIC COUNTRY, AND THE REVIEW OF THE SENTENCES OF THOSE PERSONS UNDERGOING IMPRISONMENT FOR OFFENCES AGAINST SUCH PROVISIONS OR FOR OFFENCES WITHIN THE SCOPE OF THE AMNESTY. (SEE PARAGRAPH L8(C) OF ANNEX B TO CMND 6919);

(H) THE ABOLITION OF THE DEATH PENALTY EXCEPT FOR MURDER AND OTHER CRIMES PUNISHABLE WITH DEATH IMMEDIATELY BEFORE THE ILLEGAL DECLARATION OF INDEPENDENCE;

(I) MEASURES TO PROMOTE ECONOMIC AND SOCIAL JUSTICE;

(J) THE DEVELOPMENT OF AN IMPARTIAL AND NON-RACIAL PUBLIC SERVICE; AND

(K) THE DEVELOPMENT OF A FREE AND IMPARTIAL PUBLIC BROADCASTING SERVICE.

THUS THE DESPATCH WILL DEFINE THE RESIDENT COMMISSIONER'S TERMS OF REFERENCE. IT IS THE BRITISH GOVERNMENT'S HOPE THAT ITS PUBLICATION WILL ENSURE THAT THESE WILL BE CLEARLY UNDERSTOOD BOTH BY THE PEOPLE OF SOUTHERN

RHODESIA AND BY THE INTERNATIONAL COMMUNITY AND WILL

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EXDIS

PROVIDE A MEASURE OF REASSURANCE TO THOSE WHO HAVE
EXPRESSED RESERVATIONS ABOUT THE RESIDENT COMMISSIONER'
POWERS.

II ADVISORY COUNCILS

4. THE TRANSITIONAL CONSTITUTION WILL ESTABLISH AN
ADVISORY COUNCIL FOR SOUTHERN RHODESIA, TO BE KNOWN AS
THE TRANSITIONAL COUNCIL. THE MEMBERS OF THIS BODY
WILL BE APPOINTED BY THE RESIDENT COMMISSIONER AND WILL
BE PEOPLE WHOM HE CONSIDERS TO BE REPRESENTATIVE OF
SIGNIFICANT SECTORS OF PUBLIC OPINION IN SOUTHERN
RHODESIA. ONLY A GENERAL ELECTION CAN ESTABLISH THE
MEASURE OF PUBLIC SUPPORT FOR ANY POLITICAL PARTY OR
MOVEMENT IN RHODESIA; THE MAIN AIM OF THE RESIDENT
COMMISSIONER'S ADMINISTRATION DURING THE TRANSITIONAL
PERIOD WILL INDEED BE TO ORGANISE AND CONDUCT SUCH AN
ELECTION AND IT WOULD BE PRESUMPTUOUS FOR HIM OR
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ANYONE ELSE TO ANTICIPATE ITS OUTCOME. THE MEMBERSHIP OF THE COUNCIL WILL NOT, THEREFORE, BE DESIGNED TO REFLECT ANY HYPOTHETICAL "BALANCE" IN PUBLIC OPINION; THE AIM WILL RATHER BE TO ENSURE THAT NO SIGNIFICANT SECTOR OF OPINION CAN LEGITIMATELY FEEL THAT IT HAS NOT BEEN GIVEN A VOICE ON THE COUNCIL.

5. THE COUNCIL IS INTENDED TO BE AN EFFECTIVE CHANNEL FOR COMMUNICATION BETWEEN THE RESIDENT COMMISSIONER AND PUBLIC OPINION. ITS FUNCTIONS WILL BE ADVISORY AND CONSULTATIVE ONLY, BUT EVERY MEMBER OF THE COUNCIL WILL HAVE THE UNRESTRICTED RIGHT OF ACCESS TO THE RESIDENT COMMISSIONER TO INFORM HIM OF ANY MATTER OR TO OFFER HIM ADVICE ON ANY QUESTION WHICH HE CONSIDERS RELEVANT TO THE EXERCISE OF THE COMMISSIONER'S POWER. HE SHOULD CONSULT WITH THE MEMBERS OF THE COUNCIL IN ALL MATTERS SO FAR AS THE EXIGENCIES OF GOVERNMENT PERMIT AND UNLESS THE MATTER CONCERNED IS TOO URGENT OR TOO TRIVIAL. IN PARTICULAR HE WILL CONSULT WITH THEM ON MATTERS RELATING TO THE ORGANISATION AND CONDUCT OF ELECTIONS, THE REMOVAL OF DISCRIMINATION, THE RECONSTRUCTION OF THE PUBLIC SERVICE, ECONOMIC AND SOCIAL POLICY, THE RESETTLEMENT AND REHABILITATION OF PERSONS WHO HAVE BEEN DISPLACED OR OTHERWISE DISADVANTAGED BY THE EVENTS OF RECENT YEARS AND, GENERALLY, ALL OTHER MATTERS WHICH WILL IMPINGE UPON THE POLICIES TO BE ADOPTED BY THE FUTURE GOVERNMENT OF ZIMBABWE.

6. THE UN SPECIAL REPRESENTATIVE WILL HAVE THE RIGHT TO ATTEND MEETINGS OF THE COUNCIL. THE COUNCIL WILL OF COURSE NOT BE BOUND TO PRODUCE AGREED VIEWS ON ALL THE QUESTIONS WHICH IT CONSIDERS. INDEED IT WILL BE AN IMPORTANT PART OF THE COUNCIL'S FUNCTION TO GIVE AN INDICATION OF THE RANGE OF PUBLIC OPINION ON CONTRO-

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VERSIAL QUESTIONS, RATHER THAN OF CONTRIVING A CONSENSUS ON POINTS WHICH CAN ULTIMATELY ONLY BE RESOLVED BY A DEMOCRATICALLY ELECTED GOVERNMENT.

MILITARY COMMITTEES

7. IN ORDER TO CONTROL MILITARY AFFAIRS DURING THE TRANSITIONAL PERIOD, THE RESIDENT COMMISSIONER WILL ESTABLISH COMMITTEES TO ALLOW ALL APPROPRIATE PARTIES TO TENDER THEIR ADVICE AND TO PROVIDE THE MEDIUM FOR EXECUTIVE ACTION.

8. A TWO-TIER SYSTEM IS ENVISAGED, WITH THE COMMITTEES AT BOTH LEVELS HAVING MEMBERSHIPS APPROPRIATE TO THE

MAIN SUBJECT AREAS, WHICH WILL BE THE ORGANIZATION OF THE CEASEFIRE AND OF THE ZIMBABWE NATIONAL ARMY.

9. AT THE UPPER LEVEL THERE WILL BE TWO COMMITTEES, EACH OF WHICH WILL BE UNDER THE CHAIRMANSHIP OF THE RESIDENT COMMISSIONER. THESE WILL BE:

(A) THE CEASEFIRE COMMITTEE

THE CEASEFIRE COMMITTEE WILL BE RESPONSIBLE FOR ALL ASPECTS OF THE ORGANISATION AND MAINTENANCE OF THE CEASEFIRE. IT WILL PROVIDE THE FORUM IN WHICH THE COMMANDER OF THE UNZF CAN REPORT FORMALLY ON CEASEFIRE MATTERS, WHICH THE PARTICIPATION OF THE COMMANDERS OF THE MILITARY FORCES INVOLVED WILL PERMIT THE RESIDENT COMMISSIONER TO USE THE COMMITTEE AS AN EXECUTIVE INSTRUMENT FOR THOSE FORCES COMING UNDER HIS COMMAND. MEMBERSHIP OF THE COMMITTEE WILL BE ADJUSTED SUBSEQUENTLY TO CONFORM TO THE DEVELOPMENT OF THE NEW NATIONAL ARMY (THE ZNA). IN ADDITION, IT MAY ON OCCASION BE APPROPRIATE TO INVITE THE GOVERNMENTS OF ZAMBIA, MOZAMBIQUE AND BOTSWANA TO BE REPRESENTED THROUGH MILITARY REPRESENTATIVES.

(B) THE TRANSITIONAL MILITARY COMMITTEE

THE TRANSITIONAL MILITARY COMMITTEE WILL BE RESPONSIBLE FOR THE REORGANISATION OF THE EXISTING FORCES AND THE CREATION OF THE ZIMBABWE NATIONAL ARMY (ZNA). THE FULL COMMITTEE WILL INCLUDE REPRESENTATION
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FROM THE MAIN POLITICAL GROUPS.

10. EACH OF THESE COMMITTEES WILL HAVE A SUBORDINATE WORKING GROUP COMPOSED OF MILITARY REPRESENTATIVES ONLY.

OTHER BODIES

11. AS PARAGRAPH 6 OF ANNEX B TO CMND 6919 MAKES CLEAR, IN ADDITION TO THE TRANSITIONAL COUNCIL AND THE MILITARY COMMITTEES, THE RESIDENT COMMISSIONER WILL HAVE POWER TO APPOINT OTHER ADVISORY BODIES TO HELP HIM IN THE PERFORMANCE OF ANY OF HIS FUNCTIONS. III PUBLIC SERVICE AND JUDICIAL POSTS

12. BROADLY SPEAKING, IT WILL BE THE INTERESTS OF EFFICIENT ADMINISTRATION TO MAINTAIN THE PRESENT ADMINISTRATIVE STRUCTURE OF SOUTHERN RHODESIA DURING THE TRANSITION PERIOD, TO THE EXTENT THAT IT IS PERFORMING THE TASKS WHICH CONTINUE TO BE NECESSARY
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AFTER TRANSFER DAY AND CAN BE ADAPTED TO GIVE THE RESIDENT COMMISSIONER EFFECTIVE SUPPORT IN CARRYING OUT THE INSTRUCTIONS WHICH HE WILL RECEIVE FROM THE SECRETARY OF STATE (SEE PARAGRAPH 3 ABOVE). BUT CERTAIN CHANGES, ESPECIALLY IN SENIOR POSTS, WILL CLEARLY BE NECESSARY IF THESE CONDITIONS ARE TO BE FILLED. THUS CMND 6919, ANNEX B, PARAGRAPHS 11 AND 15 ENVISAGED THAT CERTAIN OFFICES WOULD BE VACATED BY THEIR PRESENT HOLDERS BEFORE THE DATE OF THE RETURN TO LEGALITY AND WOULD NOT BE FILLED UNTIL AFTER THAT DATE. THE OFFICES OF SECRETARY TO THE CABINET AND CHIEF JUSTICE WERE SPECIFICALLY MENTIONED IN CMND 6919 AND, AS ALREADY NOTED, IT IS ALSO PROPOSED THAT THE RESIDENT COMMISSIONER WILL, ON TAKING OFFICE, IMMEDIATELY APPOINT A NEW COMMISSIONER OF POLICE, SO THAT THAT POST TOO MUST BE VACATED BEFOREHAND.

13. IT WAS NOT ENVISAGED AT THE TIME OF THE PUBLICATION OF CMND 6919 THAT THE THREE OFFICES NAMED WOULD BE THE ONLY OFFICES IN WHICH CHANGES WILL BE NECESSARY AND THIS MATTER HAS BEEN THE SUBJECT OF INFORMAL DISCUSSION WITH

SOME OF THE PARTIES SINCE THEN. IT IS CLEAR THAT BEFORE TRANSFER DAY, AGREEMENT WOULD HAVE TO BE REACHED THAT A LIMITED NUMBER OF OTHER SENIOR POSTS SHOULD BE VACANT AT THE TIME OF TRANSFER. IT IS NOT POSSIBLE WITHOUT FURTHER CONSULTATIONS TO SPECIFY THESE, BUT THE QUESTION WILL BE KEPT UNDER REVIEW AND CONSIDERED IN THE COURSE OF ANY FUTURE DISCUSSIONS WITH THE PARTIES, WITH THE OBJECT OF REMOVING UNCERTAINTY AMONG THOSE WHO MAY BE AFFECTED AT THE EARLIEST POSSIBLE MOMENT.

14. THE NEW JUDGES OF THE HIGH COURT AND MEMBERS OF OTHER BODIES APPOINTED DURING THE TRANSITION PERIOD WILL BE APPOINTED ON A SHORT TERM BASIS WHICH WILL NOT FETTER THE ABILITY OF THE GOVERNMENT OF ZIMBABWE TO MAKE FRESH CONFIDENTIAL

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APPOINTMENTS AFTER INDEPENDENCE.
ELECTORAL ARRANGEMENTS

15. IT WILL NOT BE POSSIBLE, WITHOUT SEEKING FRESH LEGISLATIVE AUTHORITY FROM THE UNITED KINGDOM PARLIAMENT, TO AUTHORISE THE RESIDENT COMMISSIONER TO SET IN TRAIN PROCESSES WHICH ARE SPECIFICALLY DIRECTED TOWARDS INDEPENDENCE. LEGISLATION FOR THIS PURPOSE WILL THEREFORE BE SUBMITTED TO PARLIAMENT AS A MATTER OF URGENCY SO THAT THE RESIDENT COMMISSIONER MAY, WITHOUT LOSS OF TIME, ENACT THE NECESSARY LAWS IN RHODESIA AND TAKE THE REQUISITE ACTION UNDER THEM. HE WILL BE AUTHORISED TO ESTABLISH AN ELECTORAL COMMISSION, UNDER AN INDEPENDENT LEGALLY-QUALIFIED CHAIRMAN, WHOSE TASK WILL BE TO DELIMIT PARLIAMENTARY CONSTITUENCIES AND SUPERVISE THE REGISTRATION OF VOTERS. NEW REGISTRATION OFFICERS AND OTHER ELECTORAL OFFICIALS WILL BE APPOINTED AND WILL CARRY OUT THEIR FUNCTIONS UNDER THE SUPERVISION AND CONTROL OF THE ELECTORAL COMMISSION. AS WAS EXPLAINED IN PARAGRAPH 11 (B) OF ANNEX B TO CMND 6919, IT WILL ALSO BE ONE OF THE PRIORITIES OF THE UN SPECIAL REPRESENTATIVE TO OBSERVE THAT THE ORGANISATION AND CONDUCT OF THE ELECTIONS ARE FAIR AND IMPARTIAL. END TEXT

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